

DISCUSSION OF THE CLAIMS

Claims 7-14, 23-27, 29 and 31-44 are pending in the present application. Claims 1-6, 15-22, 28 and 30 are canceled claims. Claims 31-43 are new claims. Support for the new claims is found in the previously presented claims. Claims 31 and 44 are new independent claims.

No new matter is added.

REMARKS/ARGUMENTS

Applicants draw the Office's attention to new independent Claim 31. The new independent claim is like previously presented Claim 7 except the polyolefin resin (II) does not recite any polypropylene material. In contrast, the compositions of JP 11-60835 (JP '835) must include polypropylene. For example, the resin composition of JP '835 is explicitly identified as a "propylene resin composition" (see the abstract and claims of the English translation of JP '835).

Applicants submit that the subject matter of new Claims 31-43 is patentable over JP '835 at least for the reason that the respective polyolefin resin (II) of Claims 31-43 has no overlap with the propylene resin of JP '835.

Applicants submit that the Office implicitly concedes that polyethylene compositions and polypropylene compositions are not the same and/or are not obvious over one another and thus Claim 31 should be allowed. For example the Office asserts that a comparison of the polyethylene and polypropylene compositions of JP '835 are insufficient for proving that the presently claimed molded article is different from molded articles described in JP '835 (see page 2, lines 13-17 of the April 15, 2010 Office Action):

The comparative evidence relied upon and presented in the Suzuki Declaration filed 01-09-2008 is for a composition different from the composition disclosed by J '835. Specifically the comparative example contains polyethylene instead of polypropylene as the polyolefin resin (II).

Applicants thus respectfully request allowance of new Claims 31-43.

Applicants further draw the Office's attention to new independent Claim 44 which is drawn to a process for making a molded article. The process of Claim 44 includes a step of molding a resin composition to form a molded article and subsequently subjecting the resin composition of the molded article to crosslinking. This sequence of steps, i.e., first molding then crosslinking, that is not disclosed or suggested by the art relied on by the Office.

Applicants thus respectfully request allowance of new Claim 44.

In the Request for Reconsideration filed in the present application on January 29, 2010, Applicants pointed out that the molded article of the presently claimed invention is different from any molded article described in JP '835 for the reason that the respective molded articles are made by different processes which necessarily and/or inherently form cross-linked polymeric materials of different structure and properties. The Office appears to have treated Applicants' arguments as not persuasive for the reason that Applicants did not provide a direct comparison between the ethylene-containing compositions of the presently claimed invention and the propylene-containing compositions of JP '835.

The Office completely misses the point. Applicants' data, including the information provided in the January 9 Suzuki Declaration, prove that the product-by-process limitation recited in the present claims, i.e., "obtained by molding a resin composition into a desired shape and thereafter exposing the same to an active energy ray to carry out a cross-linking reaction,...", defines a polymer-containing composition having different structure than polymer-containing compositions that are cured (e.g., cross-linked) before molding. In fact, Applicants' data prove the criticality and effect of the product-by-process limitation quoted above.

There can be no closer comparison than the comparison provided by the Suzuki Declaration because the compositions of the comparison are the same in composition except for the manner in which they are treated. Applicants' data prove that a molded article obtained by molding a cross-linked composition is different from a molded article obtained by first molding the article then subjecting the article to cross-linking. It makes no sense to provide a direct comparison with the JP '835 composition/molded article because the comparison of the Suzuki Declaration is more accurate and/or precise.

Applicants' comparison isolates all variables such that the only difference between Example 1 and the Comparative Experiment (see the table bridging pages 3-4 of Applicants' January 29, 2010 Amendment and the Suzuki Declaration) is in the curing conditions.

Applicants draw the Office's attention to M.P.E.P. §716.02(e)(I).

Applicants may compare the claimed invention with prior art that is more closely related to the invention than the prior art relied on by the examiner. (citations omitted).

Here, Applicants provided a comparison that can be no closer. The comparison proves that molded articles made by molding a cross-linked composition are different from molded articles made by first molding an uncross-linked composition then subjecting the molding uncross-linked composition to cross-linking.

The comparison directly contradicts what the Office asserts; namely, "that it is reasonable to expect that the properties of the molded article obtained from a composition as claimed would be the same regardless of the sequence of molding and irradiation employed to obtain the molded article from the composition" (see page 2, lines 7-11 of the April 15 Office Action). Applicants' comparison rebuts the Office's assertion and shows that the Office' assertion is in fact unreasonable.

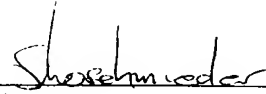
Applicants thus submit that withdrawal of the rejection and allowance of all now-pending claims is appropriate.

The JP '835 article is prepared from a composition which is already cross-linked. Applicants submit that it is a matter of incontrovertible fact that a polymer composition that is cross-linked is structurally different from a polymer composition that is not cross-linked. The difference in structure manifests itself in covalent bonding occurring between polymer units that are otherwise separate and distinct in corresponding uncross-linked polymer compositions. This covalent cross-linking has substantial effects on a polymer's physical properties such as viscosity, tensile strength, impact resistance, molecular weight, and so on.

For the reasons discussed above in detail, Applicants respectfully request allowance of all now-pending claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Richard L. Treanor  
Registration No. 36,379

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/09)

Stefan U. Koschmieder, Ph.D.  
Registration No. 50,238  
Attorneys of Record